

## § 131.135

food contains not less than 125 International Units thereof within limits of good manufacturing practice.

(c) *Optional ingredients.* The following safe and suitable ingredients may be used:

(1) Carriers for vitamin A and D.

(2) Emulsifiers.

(3) Stabilizers, with or without dioctyl sodium sulfosuccinate (when permitted by, and complying with provisions of §172.810 of this chapter) as a solubilizing agent.

(4) Characterizing flavoring ingredients, with or without coloring and nutritive carbohydrate sweeteners, as follows:

(i) Fruit and fruit juice, including concentrated fruit and fruit juice.

(ii) Natural and artificial food flavoring.

(d) *Methods of analysis.* The following referenced methods of analysis are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists, 2200 Wilson Blvd., Suite 400, Arlington, VA 22201-3301, or may be examined at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) Milkfat content—"Fat—Official Final Action," section 16.172.

(2) Total milk solids—"Total Solids—Official Final Action," section 16.169.

(3) Vitamin D content—"Vitamin D in Milk—Official Final Action," sections 43.195-43.208.

(e) *Nomenclature.* The name of the food is "Evaporated skimmed milk." The phrase "vitamins A and D" or "vitamins A and D added", shall immediately precede or follow the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name. If the milkfat content is over 0.5 percent by weight, the name of the food shall be accompanied by the statement, "Contains \_\_\_% milkfat", the blank to be filled in with the fraction "1/2", or multiple thereof, closest to the actual milkfat content of the product. The name of the food shall be accompanied by a declaration indicating the

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presence of any characterizing flavoring, as specified in §101.22 of this chapter.

(f) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

[43 FR 21671, May 19, 1978, as amended at 47 FR 11823, Mar. 19, 1982; 49 FR 10091, Mar. 19, 1984; 54 FR 24892, June 12, 1989; 58 FR 2890, Jan. 6, 1993]

EFFECTIVE DATE NOTE: At 61 FR 59002, Nov. 20, 1996, §131.132 was removed, effective Jan. 1, 1998.

### §131.135 Lowfat milk.

(a) *Description.* Lowfat milk is milk from which sufficient milkfat has been removed to produce a food having, within limits of good manufacturing practice, one of the following milkfat contents: 1/2, 1, 1 1/2, or 2 percent. Lowfat milk is pasteurized or ultra-pasteurized, contains added vitamin A as prescribed by paragraph (b) of this section, and contains not less than 8 1/4 percent milk solids not fat. Lowfat milk may be homogenized.

(b) *Vitamin addition.* (1) Vitamin A shall be present in such quantity that each quart of the food contains not less than 2000 International Units thereof within limits of good manufacturing practice.

(2) Addition of vitamin D is optional. If added, vitamin D shall be present in such quantity that each quart of the food contains 400 International Units thereof within limits of good manufacturing practice.

(c) *Optional ingredients.* The following safe and suitable ingredients may be used:

(1) Carriers for vitamins A and D.

(2) Concentrated skim milk, nonfat dry milk, or other milk derived ingredients to increase the nonfat solids content of the food: *Provided*, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients.

(3) When one or more of the optional milk derived ingredients in paragraph (c)(2) of this section are used, emulsifiers, stabilizers, or both, in an amount

not more than 2 percent by weight of the solids in such ingredients.

(4) Characterizing flavoring ingredients (with or without coloring, nutritive sweetener, emulsifiers, and stabilizers) as follows:

(i) Fruit and fruit juice (including concentrated fruit and fruit juice).

(ii) Natural and artificial food flavorings.

(d) *Methods of analysis.* Referenced methods are from "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed. (1980), which is incorporated by reference. Copies may be obtained from the Association of Official Analytical Chemists, 2200 Wilson Blvd., Suite 400, Arlington, VA 22201-3301, or may be examined at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) Milkfat content—"Fat, Roesse-Gottlieb Method—Official Final Action," section 16.059.

(2) Milk solids not fat content (or total nonfat solids content)—Calculated by subtracting the milkfat content from the total solids content as determined by the method "Total Solids, Method I—Official Final Action," section 16.032.

(3) Vitamin D content—"Vitamin D—Official Final Action," sections 43.195-43.208.

(e) *Nomenclature.* The name of the food is "Lowfat milk". The name of the food shall appear on the label in type of uniform size, style, and color. The name of the food shall be accompanied on the label by a declaration indicating the presence of any characterizing flavoring, as specified in §101.22 of this chapter.

(1) The following terms shall accompany the name of the food wherever it appears on the principal display panel or panels of the label in letters not less than one-half of the height of the letters used in such name:

(i) The phrase "\_\_\_% milkfat", the blank to be filled in with the fraction  $\frac{1}{2}$ , or multiple thereof, to indicate the actual fat content of the food.

(ii) The phrase "vitamin A" or "vitamin A added", or, if vitamin D is added, the phrase "vitamins A and D added". The word "vitamin" may be abbreviated "vit."

(iii) The word "ultra-pasteurized" if the food has been ultra-pasteurized.

(iv) The phrase "with added milk solids not fat" if the food contains not less than 10 percent milk-derived nonfat solids.

(2) The following terms may appear on the label:

(i) The word "pasteurized" if the food has been pasteurized.

(ii) The word "homogenized" if the food has been homogenized.

(f) *Label declaration.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of parts 101 and 130 of this chapter.

[42 FR 14360, Mar. 15, 1977, as amended at 45 FR 81737, Dec. 12, 1980; 47 FR 11823, Mar. 19, 1982; 49 FR 10091, Mar. 19, 1984; 54 FR 24893, June 12, 1989; 58 FR 2890, Jan. 6, 1993]

EFFECTIVE DATE NOTE 1: Paragraph (e)(1)(iv) of §131.135 was revised at 45 FR 81737, Dec. 12, 1980, effective July 1, 1983. The effective date was stayed until further notice at 47 FR 11271, Mar. 16, 1982. Paragraph (e)(1)(iv) published at 42 FR 14360, Mar. 15, 1977, and set forth below is currently effective.

#### § 131.135 Lowfat milk.

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(iv) The phrase "protein fortified" or "fortified with protein" if the food contains not less than 10 percent milk derived nonfat solids.

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EFFECTIVE DATE NOTE 2: At 61 FR 59002, Nov. 20, 1996, §131.135 was removed, effective Jan. 1, 1998.

#### § 131.136 Acidified lowfat milk.

(a) *Description.* Acidified lowfat milk is the food produced by souring one or more of the optional dairy ingredients specified in paragraph (c) of this section with one or more of the acidifying ingredients specified in paragraph (d) of this section, with or without the addition of characterizing microbial organisms. One or more of the other optional ingredients specified in paragraphs (b) and (e) of this section may also be added. When one or more of the ingredients specified in paragraph (e)(1) of this section are used, they shall be